

YAO-3750US2

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. No: 10/712,086
Applicant: Kazuhisa Yamamoto et al.
Filed: November 13, 2003
Title: OPTICAL DEVICE, LASER BEAM SOURCE, LASER APPARATUS AND METHOD OF PRODUCING OPTICAL DEVICE
T.C./A.U.: 2821
Examiner: Don Kitsun Wong
Confirmation No.: 7925
Docket No.: YAO-3750US2

STATUS REQUEST AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Status Request seeks the status of a Notice to Vacate the Office Action issued June 4, 2004, and responds to such Office Action.

The Patent Office, by the OIPE, issued to Applicants a Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated June 4, 2004, a copy of which is enclosed. According to the Notice, the Amendment document filed on November 13, 2003 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. 1.121. The basis for the Notice was stated as the "Article 34 Amendment is unsigned" (emphasis added). It is Applicants' contention that the filing of the English Translation of an Article 34 Amendment with the filing of the above identified application was proper, and that there was no requirement or need to file a signed copy of the Article 34 Amendment.

The above identified application is a divisional of U.S. Patent Application No. 09/922,978 filed August 6, 2001, which is a divisional of U.S. Patent Application No. 08/073,380, now U.S. Patent No. 6,333,943. The parent application was an international application and thus in filing the above identified application, Applicants included a copy of the English Translation of the Article 34 Amendment filed with the parent application.

Upon receiving the Notice of Non-Compliant Amendment, on June 7, 2004, the undersigned spoke with Eva Gillis, the Legal Instruments Examiner, who signed the Notice, and her supervisor, Ms. Tubbs. According to a follow-up telephone conference on June 8, 2004,

Ms. Tubbs stated that the U.S. PTO made an error in issuing the Notice of Non-Compliant Amendment, and that a Notice to Vacate the Office Action would be issued. But to date, Applicants have not received the Notice to Vacate. Applicants therefore request the status as to when the Notice to Vacate the Office Action will be issued.

Respectfully submitted,

Daniel N. Calder

Daniel N. Calder, Reg. No. 27,424
Attorney for Applicants

DNC/lcf

Enclosure: Copy of Notice of Non-Compliant Amendment

Dated: June 30, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 30, 2004

Lorraine C. Fox



10/712086

Date: June 30, 2004

Assistant Commissioner for Patents:

Please acknowledge receipt of the document(s) described below by imprinting the Patents & Trademark Office "date-stamp" hereon and returning this card to the addressee on the reverse side.

FILE NO.: 10-3750082 FEE DUE? YES or NO AMT. ENC'D. \$ _____NAME: Kazuhisa Yamamoto et al.

- Specification (_____ pp.) **P E** Drawing(s) (_____ pp.)
 IDS & PTO 1449 (_____ pp.) Copy of _____ References(s)
 Copy of Search Report Form 1390
 Claim to Right of Priority Priority Document(s)
 Response to Missing Parts Transmittal Form **RECEIVED**
 Declaration & POA (_____ pp.) **JUL 02 2004** Certificate of Express Mailing
 Petition for Ext. of Time (_____ mo.) Assignment & Form 1595 (_____ pp.)
 Utility Transmittal Fee Transmittal
 Amendment (_____ pp.) Preliminary Amendment (_____ pp.)
 Issue Fee/Publication Fee Formal Drawing(s) (_____ pp.)
 Response to OA (_____ pp.) Status Request (2)
 Copy of Non-Compliant Amend. Serial No. _____